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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,623	11/02/2001	Davar Parvin	KEN-014	5192
36822	7590	09/09/2005	EXAMINER	
GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			HAILE, FEBEN	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,623

Applicant(s)

PARVIN ET AL.

Examiner

Feben M. Haile

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-32 is/are allowed.
- 6) ☒ Claim(s) 1,2,11,12,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3-10,13-20 and 23-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 5, 15, 21, and 25 are objected to because of the following informalities:

Regarding claim 5, the phrase "claim 4." should be replaced by -claim 4-.

Regarding claim 15, the phrase "claim 1." should be replaced by -claim 14-.

Regarding claim 21, bullet point "d)" should be replaced by -c)-.

Regarding claim 25, the phrase "claim 24." should be replaced by -claim 24-.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 11-12 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida (US 6,137,778), hereinafter referred to as Yoshida.

Regarding claims 1, 11, and 21, Yoshida discloses an apparatus including the method of processing packets with an adjustable clock generator (**figure 2 unit 40 and column 5 lines 51-53; a clock regenerator regenerates a clock signal of a CBR signal from an ATM cell**); keeping a count of the number of received packets (**figure 2 unit 401 and column 6 lines 5-9; a differential counting circuit that counts the amount of information in a CBR signal of a received ATM cell**); keeping a count of the number of transmitted packets (**figure 2 unit 401 and column 6 lines 9-10; a**

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differential counting circuit that counts the first regenerated clock signal from a clock generating circuit); and adjusting the adjustable clock generator to a higher rate when the number of transmitted packets is smaller than the number of received packets (figure 2 unit 402 and column 6 lines 30-39; a clock generating circuit is adjusted according to the differential counting circuit).

Regarding claims 2, 12, and 22, Yoshida discloses said step of adjusting includes subtracting the transmitted packet count from the received packet count **(figure 2 unit 401 and column 6 lines 25-29; a differential counting circuit counts the difference between the amount of information in a CBR signal of a received ATM cell and a first regenerated clock signal from a clock generating circuit),** storing the difference calculated by the subtraction **(column 6 lines 30-33; a differential value between the count values is outputted to a clock generating circuit),** and adjusting the adjustable clock by an amount proportional to the difference **((figure 2 unit 402 and column 6 lines 33-39; a clock generating circuit is adjusted according to the value from the differential counting circuit).**

Allowable Subject Matter

3. Claims 3-10, 13-20, 23-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. Claims 31-32 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 31, the prior art of record fails to disclose or fairly suggest a clock adjustment magnifier coupled to said clock adjustment calculator for magnifying said raw clock adjustment value by an adjustable factor to provide an actual clock adjustment value.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Kimbrow et al. (US 5898744), Apparatus and Method for Clock Recovery in a Communication System

b) Powell (US 6111878), Low Jitter Timing Recovery Technique and Device for Asynchronous Transfer Mode (ATM) Constant Bit Rate (CBR) Payloads

c) Eng et al. (US 6791987), Maintaining Synchronization Over Asynchronous Interface

d) Stadler et al. (US 6026074), Method for Synchronizing Transmissions at a Constant Bit Rate in ATM Networks and Circuit Arrangements for Carrying out the Method

f) Muntz et al. (US 5812618), SRTS Clock Recovery System Implementing Adaptive Clock Recovery Techniques

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Feben M. Haile whose telephone number is (571) 272-3072. The examiner can normally be reached on 6:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ff 09/06/2005

Ricky Ngo
RICKY NGO
PRIMARY EXAMINER

9/6/05